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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,830	03/09/2004	Roger F. Buelow II	2506	2467
7617	7590	10/18/2005	EXAMINER	
BRUZGA & ASSOCIATES 11 BROADWAY, SUITE 715 NEW YORK, NY 10004			RUDE, TIMOTHY L	
			ART UNIT	PAPER NUMBER
			2883	

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

A.A

<b>Office Action Summary</b>	<b>Application No.</b> 10/796,830	<b>Applicant(s)</b> BUELOW ET AL.	
	<b>Examiner</b> Timothy L. Rude	<b>Art Unit</b> 2883	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-23 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

This application contains claims directed to the following patentably distinct species of the claimed invention:

Species A, drawn to a light pipe with directional side-light extraction wherein the light-extraction means comprises a material other than a light-carrying portion of the light pipe (see claim 1).

Species B, drawn to a light pipe with directional side-light extraction wherein the light-extraction means comprises any fluoropolymer cladding on the light-carrying portion, including light-scattering material.

Species C, drawn to a light pipe with directional side-light extraction wherein the light-extraction means comprises surfaces treated to have light-scattering properties.

Species D, drawn to a light pipe with directional side-light extraction wherein the light-extraction means comprises material with a reflective property.

The above species may contain some or all of the following patentably distinct sub-species of the claimed invention:

Sub-species E, drawn to a light pipe with directional side-light extraction wherein the light-extraction means is a single strip of uniform width over the active section of the light pipe (see claim 5).

Sub-species F, drawn to a light pipe with directional side-light extraction wherein the light-extraction means is a single strip that varies in width over the active section of the light pipe (see claim 6).

Sub-species G, drawn to a light pipe with directional side-light extraction wherein the light-extraction means is a single strip that varies in thickness over the active section of the light pipe (see claim 7).

Sub-species H, drawn to a light pipe with directional side-light extraction wherein the light-extraction means is a single strip containing light-scattering additives whose density varies over the active section of the light pipe (see claim 8).

Sub-species I, drawn to a light pipe with directional side-light extraction wherein the light-extraction means is a plurality of separate shaped pieces arranged along the active section of the light pipe, wherein the pieces are sized, composed and arranged in such a manner as to achieve a substantially uniform distribution of light from the side of the light pipe, and wherein the pieces are arranged in a non-uniform manner (see claim 11).

Sub-species J, drawn to a light pipe with directional side-light extraction wherein the light-extraction means is a plurality of separate shaped pieces arranged along the active section of the light pipe, wherein the pieces are sized, composed and arranged in such a manner as to achieve a substantially uniform distribution of light from the side of

the light pipe, and wherein the size of the pieces vary along the active section of the light pipe (see claim 12).

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, A-D, and a single disclosed sub-species, E-J, for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic. Examiner recommends amending claim 1 to be generic by eliminating limitations at c). Please note, the above species and sub-species are not exhaustive. Additional restriction may apply depending upon the course of prosecution.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the

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case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy L. Rude whose telephone number is (571) 272-2301. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'T. L. Rude', with a long horizontal flourish extending to the right.

tlr

Timothy L Rude  
Examiner  
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